

VIDEOTAPE DEPOSITION OF MICHAEL J. WHITE 1/30/2012

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ALVIN BALDUS, CINDY BARBERA,
CARLENE BECHEN, RONALD BENDSEIL,
RON BOONE, VERA BOONE, ELVIRA BUMPUS,
EVANJELINA CLEEREMAN, SHEILA COCHRAN,
LESLIE W. DAVIS III, BRETT ECKSTEIN,
MAXINE HOUGH, CLARENCE JOHNSON,
RICHARD KRESBACH, RICHARD LANGE,
GLADYS MANZANET, ROCHELLE MOORE,
AMY RISSEUW, JUDY ROBSON, GLORIA ROGERS,
JEANNE SANCHEZ-BELL, CECELIA SCHLIEPP,
and TRAVIS THYSSEN.

Plaintiffs,

TAMMY BALDWIN, GWENDOLYNNE MOORE,
and RONALD KIND,

Intervenor-Plaintiffs,

V.

File No. 11-CV-562

Members of the Wisconsin Government Accountability Board, each only in his official capacity:
MICHAEL BRENNAN, DAVID DEININGER,
GERALD NICHOL, THOMAS CANE,
THOMAS BARLAND, and TIMOTHY VOCKE,

[Caption Continued]

VIDEOTAPE DEPOSITION

MICHAEL J. WHITE

Madison, Wisconsin
January 30, 2012

Brandé A. Browne, RPR, CRR
Registered Professional Reporter

and KEVIN KENNEDY, Director and General Counsel for the Wisconsin Government Accountability Board,

Defendants,

F. JAMES SENSENBRENNER, JR.,
THOMAS E. PETRI, PAUL D. RYAN, JR.,
REID J. RIBBLE, and SEAN P. DUFFY,

Intervenor-Defendants.

VOCES DE LA FRONTERA, INC.,
RAMIRO VARA, OLGA WARA,
JOSE PEREZ, and ERICA RAMIREZ,

Plaintiffs,

v.

Case No. 11-CV-1011
JPS-DPW-RMD

Members of the Wisconsin Government Accountability Board, each only in his official capacity:

MICHAEL BRENNAN, DAVID DEININGER, GERALD NICHOL, THOMAS CANE, THOMAS BARLAND, and TIMOTHY VOCKE, and KEVIN KENNEDY, Director and General Counsel for the Wisconsin Government Accountability Board,

Defendants.

I N D E X

Witness

Pages

MICHAEL J. WHITE

Examination by Ms. Lazar

7

E X H I B I T S

No.	Description
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Identified

1033 Deposition notice and subpoena

9

1034 Packet of documents

31

1035 Flash drive

45

(The originals of Exhibit Nos. 1033 and 1034 were attached to the original transcript and copies were provided to counsel. The original of Exhibit No. 1035 was retained by Attorney Maria S. Lazar)

(The original deposition transcript was filed with
Attorney Maria S. Lazar)

3

VIDEOTAPE DEPOSITION of MICHAEL J. WHITE,
a witness of lawful age, taken on behalf of the
Plaintiffs, wherein Alvin Baldus, et al., are
Plaintiffs, and Members of the Wisconsin Government
Accountability Board, et al., are Defendants, pending
in the United States District Court for the
Eastern District of Wisconsin, pursuant to subpoena
and notice, before Brandé A. Browne, a Registered
Professional Reporter and Notary Public in and for
the State of Wisconsin, at the offices of
Reinhart Boerner Van Deuren S.C., Attorneys at Law,
22 East Mifflin Street, Suite 600, City of Madison,
County of Dane, and State of Wisconsin, on the 30th
day of January 2012, commencing at 2:02 in the
afternoon.

A P P E A R A N C E S

WENDY K. ARENDS, Attorney,
for GODFREY & KAHN, S.C., Attorneys at Law,
One East Main Street, Suite 500, Madison,
Wisconsin 53703, appearing on behalf of
Plaintiffs Alvin Baldus, et al.

PETER G. EARLE, Attorney,
for LAW OFFICE OF PETER EARLE, LLC, Attorneys at Law,
839 North Jefferson Street, Suite 300,
Milwaukee, Wisconsin 53202, appearing
telephonically on behalf of Plaintiffs
Voces De La Frontera, Inc., et al.

VIDEOTAPE DEPOSITION OF MICHAEL J. WHITE 1/30/2012

1 A P P E A R A N C E S (Continued)

2

3 MARIA S. LAZAR, Assistant Attorney General,

4 for STATE OF WISCONSIN DEPARTMENT OF JUSTICE,

5 17 West Main Street, Madison, Wisconsin 53703,

6 appearing on behalf of the Defendants.

7

8 DANIEL KELLY, Attorney,

9 for REINHART BOERNER VAN DEUREN S.C.,

10 Attorneys at Law, 1000 North Water Street,

11 Suite 2100, Milwaukee, Wisconsin 53202,

12 appearing on behalf of the Defendants.

13

14 TERRENCE M. POLICH, Attorney,

15 for CLIFFORD & RAIHALA, S.C., Attorneys at Law,

16 44 East Mifflin Street, Suite 800, Madison,

17 Wisconsin 53703-2800, appearing on behalf of

18 the deponent, Michael J. White.

19

20 Also present: Todd S. Campbell, CLVS

21 Campbell Legal Video Company

22 417 Heather Lane, Suite B

23 Fredonia, WI 53021

24 (262) 447-2199

25

 (Exhibit Nos. 1033 and 1034 marked for
identification)

 THE VIDEOGRAPHER: We are on
the record. Seated before you is
Mr. Michael White, designated as a 30(b)6 on
behalf of The Shop Consulting, Inc. This is
Video No. 1 of his video deposition, taken
pursuant to notice and subpoena at the
instance of the defendants in the matter of

5

1 Alvin Baldus, et al. versus members of

2 the Wisconsin Government Accountability

3 Board, et al. This matter is pending in the

4 United States District Court, Eastern

5 District of the State of Wisconsin, Case

6 No. 11-CV-562. This deposition is taking

7 place at the law offices of Reinhart Boerner

8 Van Deuren, 22 East Mifflin Street in

9 Madison, Wisconsin. Today's date is Monday,

10 January 30th, 2012. The time is 2:02 p.m. I

11 am Todd Campbell, videographer with Campbell

12 Legal Video Company. The court reporter is

13 Brandé Browne with For the Record Reporting.

14 Would counsel please first introduce

15 themselves, starting with the plaintiff.

16 MS. ARENDS: Wendy Arends,

17 Godfrey & Kahn for the plaintiff.

18 MR. EARLE: Peter Earle of the

19 Law Offices of Peter Earle on behalf of the

20 Voces plaintiffs.

21 MS. LAZAR: Assistant Attorney

22 General Maria Lazar on behalf of Members of

23 the Wisconsin Government Accountability Board

24 and their director and general counsel in

25 their official capacities. Also present, not

6

1 at this time, but who will be joining us is

2 Dan Kelly from the Reinhart Boerner law firm.

3 MR. POLICH: Attorney

4 Terrence M. Polich of Clifford & Raihala of

5 Madison, appearing for The Shop Consulting

6 and Michael White.

7 THE VIDEOGRAPHER: Thank you.

8 Would the court reporter please swear in

9 Mr. White.

10

11 MICHAEL J. WHITE,

12 called as a witness, being first duly sworn,

13 testified on oath as follows:

14

15 EXAMINATION

16 By Ms. Lazar:

17 Q Thank you. Just some beginning introductory

18 basics. Mr. White, have you given a deposition

19 before?

20 A For this case?

21 Q For any case.

22 A I'm not sure if it was considered a deposition.

23 There was a discussion for a case regarding

24 Brian Blanchard in 2002, I think. I don't know if

25 that was actually a deposition, per se.

7

1 Q That's okay. I just wanted to go through some

2 basic rules just so it's a little bit easier.

3 A Sure.

4 Q When we're doing the deposition, when I ask you a

5 question, if you can answer with a yes, no, or I

6 don't know, but answer with a verbal response so

7 that the court reporter can take something down.

8 A Sure.

9 Q When I ask you a question, if you don't understand

10 a question, if you can ask me to please clarify it

11 or ask for an explanation?

12 A Uh-huh.

13 Q And don't say uh-huh because that's hard for the

14 court reporter to take down.

15 A All right.

16 Q And if you don't understand -- if I ask you a

17 question and you don't ask for clarification, I'm

18 going to assume that you understood the question

19 when you answered; is that okay?

20 A Yes.

21 Q If at any point in time you need to take a break,

22 you want to glass of water or you need anything

23 like that, please let me know.

24 A Okay.

25 Q All right. I'm going to show you what has been

8

1 marked as Exhibit 1033, and that is a deposition
2 notice and subpoena in this case. Have you seen
3 that document before?
4 A No.
5 Q Excuse me?
6 A No.
7 Q Okay.
8 A Oh, this is what was -- well, let me look at it.
9 Oh, this is what was provided to me.
10 Q Yes.
11 A Yes, I have seen it.
12 Q On the last -- the third page from the end, there
13 is a section entitled Exhibit A; do you see that?
14 A Yes.
15 Q And that lists documents to be produced?
16 A Yes.
17 Q And you've handed me at the beginning of this
18 deposition a stack of documents; is that correct?
19 A Yes.
20 Q I'm going to show you what has been marked as
21 Exhibit 1034. Is that the stack of exhibits you
22 provided me with at the start of this deposition?
23 A Yes. To the best of my knowledge, this is
24 everything I gave you.
25 Q Okay. In addition, you also provided me with a

9

1 flash drive that had documents on it; is that
2 correct?
3 A Yes.
4 Q You can keep that for the moment. You did provide
5 a flash drive?
6 A Yes.
7 Q When that comes back in the room, we will mark
8 that as Exhibit 1035. All right. Let's get a
9 little bit of background. You are employed by
10 The Shop Consulting, Inc.?
11 A Yes.
12 Q And what's your association with that company?
13 A I'm the president.
14 Q And how long have you been the president?
15 A Since 2002.
16 Q And what did you do prior to 2002?
17 A I was employed by the Wisconsin Legislature.
18 Q In what capacity?
19 A I was the deputy director for the Assembly
20 Democratic Caucus.
21 Q As Assembly director -- or director for the --
22 deputy director for the Assembly Democratic
23 Caucus --
24 A Uh-huh.
25 Q -- were you involved in any redistricting?

10

1 A Yes.
2 Q And when would that have been?
3 A In 2000, the 2000 redistricting cycle.
4 Q And what was your involvement in the 2000
5 redistricting cycle?
6 A Assisting with redistricting.
7 Q Okay. When you say *assisting*, in what regard?
8 A Serving as an assistant to legislative
9 redistricting.
10 Q Were you involved in drafting any maps?
11 A Yes.
12 Q And what was your role in drafting those maps?
13 A Assisting with drafting the maps.
14 Q As part of your role in that, did you use the
15 Autobound software?
16 A Yes.
17 Q Was that the first time you were involved in
18 redistricting?
19 A Yes.
20 Q I'm sorry, in 2000?
21 A Yes.
22 Q Were you involved in the litigation that was filed
23 in 2000, 2001 regarding redistricting?
24 A No, I was not directly involved in any of that.
25 Q Did -- you said you have been president of

11

1 The Shop Consulting since 2002. When did that
2 company come into existence?
3 A January -- January 1st, 2002.
4 Q And so you've been president the entire time?
5 A Well, we -- the initial entity was an LLC, and
6 then it was changed to a corporation, I believe.
7 I don't remember the exact date, 2004 or so. And
8 at that point, you're required to have officers,
9 so at that point, I became president.
10 Q Have you been involved with The Shop Consulting
11 since it was created or formed as an LLC in
12 January of 2002?
13 A Yes, uh-huh.
14 Q And you are still presently involved with
15 The Shop Consulting?
16 A Yes.
17 Q If you look back for a moment at Exhibit 10,000 --
18 or 1033, which is the notice of deposition, you
19 have it up to page Exhibit A?
20 A Okay.
21 Q Are there any other documents that would be
22 responsive to Exhibit A that you did not produce
23 perhaps pursuant to a privilege?
24 A Not to my knowledge.
25 Q Okay. If you turn two pages to the exact last

12

1 page of that exhibit, it lists items under topics?
2 A Uh-huh. Yes, sorry.
3 Q That's okay. Would you be the person that
4 The Shop Consulting, Inc. has designated as the
5 person most knowledgeable with regard to those
6 topics?
7 A Yes, uh-huh.
8 Q Okay. We will get into those in a little bit.
9 The Shop Consulting, LLC, how many employees does
10 it have?
11 A The Shop Consulting, LLC doesn't exist.
12 Q I mean, The Shop Consulting, Incorporation, how
13 many employees does it have?
14 A Two. Well, myself, I'm an employee, so three
15 total.
16 Q Three full-time employees?
17 A No, two full-time, one part-time.
18 Q Okay. Do you have any professional training or
19 experience with regard to redistricting?
20 MR. POLICH: Object, it's vague.
21 Go ahead.
22 A Yes.
23 Q And what would that training be?
24 A I couldn't point to any specific training. I
25 haven't been trained on anything.

13

1 Q When you were the deputy director of the Assembly
2 Democratic Caucus, were you sent to any training
3 seminars or classes regarding redistricting?
4 A 10 years ago, let me see. I don't recall if I was
5 or was not. I don't recall if I was sent to a
6 training for the software or if I just sort of
7 figured it out. I don't specifically recall.
8 Q Did you leave your position with the Assembly
9 Democratic Caucus in or around 2002?
10 A Yes. No, no, no, 2001.
11 Q And was that the last time that you were employed
12 by any entity with the state legislature?
13 A Yes.
14 Q Have you written any articles or reports regarding
15 redistricting?
16 A No.
17 Q Have you ever testified in any trial on any topic?
18 A Yes.
19 Q And what would that be on?
20 A What I mentioned earlier regarding the case in --
21 Q Brian Blanchard?
22 A Yes.
23 Q And in that case, were you a witness?
24 A It was a -- yes. Yes, I was a witness.
25 Q I should have clarified; you were testifying not

14

1 as an expert, but as a fact witness?
2 A Yes.
3 Q Have you testified in any trials as an expert?
4 A No.
5 Q As you know, there's a redistricting process that
6 took place in 2011 and 2012, correct --
7 A Yes.
8 Q -- in the State of Wisconsin? Did you or your
9 company draw any potential legislative or
10 congressional maps in the 2010 decennial census
11 cycle?
12 A Which?
13 Q Any legislative maps?
14 A Yes.
15 Q Any congressional maps?
16 A No.
17 Q How many legislative maps did you draw?
18 A Well, I worked on one plan, if that's what you're
19 referring to. Are you referring to a legislative
20 plan?
21 Q Yes.
22 A Okay. Yeah, I worked on one.
23 Q Who else did you work on that plan with?
24 A I worked primarily -- well, let me think. For
25 drawing the plan, it was Joel Gratz, and I worked

15

1 on it.
2 Q Did you work with any democratic legislators on
3 that plan?
4 A No, I didn't work with any democratic legislators.
5 Q How did you come to be involved in drawing that
6 legislative plan?
7 A I'm not -- you'll have to clarify that question.
8 Q Absolutely. Were you retained by anyone to draw
9 that legislative plan?
10 A I was not retained by anyone to draw the plan.
11 Q Or was The Shop Consulting retained by anyone to
12 draw the plan?
13 A No.
14 Q Were you hired?
15 A No, I wasn't hired to draw -- I was not hired to
16 draw any legislative plan.
17 Q So you assisted in drawing the legislative plan
18 for -- in 2011. Who asked you to do that?
19 MR. EARLE: I'm going to object to
20 the form of that question. You're misstating
21 his prior testimony.
22 Q Okay. You can still answer if you can.
23 A You'll have to repeat the question.
24 Q Sure. Who asked you to assist in drawing the
25 legislative plan in 2011?

16

1 A I was asked to assist by an assistant to
2 Senator Miller.
3 Q And the assistant to Senator Miller asked that you
4 do what exactly?
5 A Assist with the legislative redistricting.
6 Q Do you know when you were asked to do that?
7 A My recollection was it was July probably.
8 Q Of 2011?
9 A Yeah, that I was asked to participate in drawing
10 the plan.
11 Q Are you familiar with the plan that was ultimately
12 passed and enacted known as Act 43?
13 A I'm familiar that it -- yeah, I'm familiar with
14 it, that a plan was passed. It's titled Act 43,
15 yes.
16 Q Were you asked to assist Senator Miller before
17 Act 43 was passed; if you know?
18 A Not -- not on drawing a plan, I wasn't asked.
19 Q Were you asked to do something else regarding
20 Act 43 before it was passed?
21 A Not regarding Act 43. Act 43 wouldn't have been
22 passed, so I wouldn't have been just asked to
23 refer to it before it was passed.
24 Q Were you asked to assist Senator Miller before
25 Act 43 was passed regarding redistricting?

17

1 A Yes, but not necessarily to draw any plan.
2 Q And what were you asked to do to assist
3 Senator Miller?
4 A Generally, just to, you know, keep apprised of
5 any, you know -- I guess not even that. Just to
6 be available for questions they may have regarding
7 whatever topics may be relevant.
8 Q Were you paid for your assistance to
9 Senator Miller?
10 A No.
11 Q Were you paid -- were you paid, and I believe I
12 may have asked this, and I apologize, for drawing
13 the map?
14 A No.
15 Q You indicated that Joel Gratz assisted you in
16 drawing the map?
17 A Yes.
18 Q Did anyone else assist you?
19 A No, no one else assisted me.
20 Q Where exactly did you draw the map?
21 A It was drawn at the -- I'm trying to remember --
22 it was a room near Senator Miller's office in the
23 State Capitol.
24 Q It wasn't drawn at the premises of The Shop
25 Consulting?

18

1 A No, uh-uh.
2 Q And you used -- did you use the terminals provided
3 by -- at the State Capitol?
4 A Yes.
5 Q Did you use the Autobound software there?
6 A Yes, uh-uh.
7 Q Does The Shop Consulting have a version of
8 Autobound software?
9 A No.
10 Q Do you know where you got the background data to
11 draw that map?
12 A The background data was -- would have been
13 provided through the Legislative Technology
14 Service Bureau.
15 Q Did you communicate with any members of the
16 democratic legislature regarding the proposed map
17 you drew?
18 A Did I communicate -- can you repeat that question?
19 Q Absolutely. Did you communicate with any
20 democratic members of the legislature regarding
21 the proposed map you drew with the assistance of
22 Joel Gratz?
23 A I'm just trying to think. The only legislator
24 would have been -- I had a brief meeting with
25 Fred Kessler.

19

1 Q And do you recall, if you recall, what that
2 meeting with Fred Kessler was about?
3 A I think it was just a general -- it wasn't a
4 meeting, per se. He stopped by and just looked at
5 the plan.
6 Q Did Mr. Kessler have any comments regarding the
7 plan?
8 A Yes, he had a few comments.
9 Q Do you know what those, if you can recall, what
10 those comments were?
11 A Not in -- not in detail. I think they were
12 relevant to particular geographic assignments.
13 Q Did you make any changes to the plan with respect
14 to the comments provided by Fred Kessler?
15 A No.
16 Q Do you know how long it took to draw the plan in
17 terms of days?
18 A I couldn't tell you because I worked on it at
19 different points in time. There wasn't a sort
20 of --
21 Q Do you know whether or not there was a version of
22 the plan available following a weekend drawing
23 session?
24 A Could you repeat that question?
25 Q Sure. Do you know if there was a version of the

20

1 plan available following a weekend drawing
2 session?
3 MR. POLICH: I'll object. It's
4 vague. Go ahead.
5 A A weekend. Available to whom?
6 Q To provide to anyone.
7 A I'm not sure if I understand the question.
8 Q We had a deposition earlier today of
9 Mr. Joel Gratz, and his understanding, he recalled
10 working with you to draw a plan?
11 A Yeah.
12 Q And indicated that it may have been done over
13 about four days, and then at the conclusion of the
14 time, there would have been a version, somewhat
15 incomplete, available at that time; just do you
16 agree with that?
17 A Well, I -- I don't know -- I don't see the
18 relevance of the weekend. I don't particularly
19 recall when -- at some point we completed a
20 version that was not complete. There was never
21 anything introduced, but there was a plan that we
22 had worked on, and it was available if you had
23 access to it, I guess.
24 Q Who had access to that plan?
25 A I have no idea. It was on the LTSB-provided
21

1 computer.
2 Q Do you know who the plan was given to?
3 A I don't understand that question. It resided on
4 the computer. It wasn't given to anyone.
5 Q Were you ever asked to review or analyze Act 43?
6 A I was not asked to review it.
7 Q Did you review or analyze Act 43?
8 A I did, yes.
9 Q And what type of review or analysis did you
10 conduct?
11 A I'm not sure. I'm not sure if I understand that
12 question.
13 Q You indicated that you did review or analyze
14 Act 43. What exactly did you do to review or
15 analyze Act 43?
16 A I think I -- it was very, you know, just general
17 reviewed it. I think I did some analysis based on
18 the -- to do some standardized reports relevant to
19 any plan. At that point it was not Act 43. I
20 don't know if it's even the same plan. I think
21 there may have been some changes subsequent to
22 that, but I know it was the first plan that was --
23 that was released for the bill draft.
24 Q Did you provide anybody with any of those reports
25 that you did on Act 43?
22

1 A Yeah, I think these would have been run from
2 the -- from the Autobound software itself. There
3 are standard reports, and I believe some of them
4 are even included on the -- on the data I
5 provided.
6 Q On the flash drive?
7 A Yeah. I think they're standard reports. I'm not
8 trying to be vague. I don't know if I provided
9 them. I think that it was a data file, and you
10 know, I don't know who reviewed it. I think it's
11 an exportable document that resides there, and
12 whomever wants to look at it can look at it.
13 Q And just to back up, you were not asked nor paid
14 to do any review or analysis of Act 43?
15 A No, I was not -- well, which one?
16 Q You were not?
17 A I was not directly asked to do the analysis, no,
18 and I was not paid for any services.
19 Q And would the same be true for Act 44?
20 A The congressional?
21 Q Yes.
22 A Is that what you're referring to, the
23 congressional map?
24 Q Yes.
25 A I had provided no analysis nor received any
23

1 compensation for anything related to that.
2 Q And you mentioned before you did not draw a
3 congressional map either?
4 A No.
5 Q Did you have any communications with any members
6 of the Democratic National Committee regarding
7 redistricting in 2011?
8 A The Democratic National Committee, no.
9 Q Democratic National Party?
10 A Not to my knowledge.
11 Q Democratic Party of Wisconsin?
12 A Can you repeat what the question --
13 Q Sure. I was asking if you had any communications
14 with the Democratic Party of Wisconsin regarding
15 redistricting in 2011?
16 A I'm trying to recall. The only communication I
17 would have had would be -- I wouldn't have had
18 any -- I don't think I would have had any direct
19 communication with the party. I think there was
20 one meeting I was in attendance of that there was
21 a representative there, and that would have been
22 the extent of my communication. So no direct
23 communication.
24 Q If you could look back at Exhibit 1033, the last
25 page, which has topics.
24

1 A Uh-huh.
 2 Q When were you first made aware of the lawsuit that
 3 is -- that is presently pending, the lawsuit
 4 Baldus, et al. versus Government Accountability
 5 Board?
 6 A I don't have any recollection of the particular
 7 date. It would have just been through probably
 8 reading the newspaper.
 9 Q Do you know if you were aware of that lawsuit
 10 before it was filed?
 11 A No, I was not aware.
 12 Q And do you have any knowledge of the
 13 Voces de la Frontera lawsuit?
 14 A No.
 15 Q And the same question, would you have any
 16 knowledge of that before it was filed?
 17 A No.
 18 Q Have you provided any consulting or have you
 19 provided any consulting work with respect to this
 20 litigation?
 21 A With respect to this litigation -- well, can you
 22 repeat the question?
 23 Q Yes. Have you provided any consulting work with
 24 respect to this litigation, the Baldus versus
 25 Government Accountability Board?

25

1 A No.
 2 Q Has The Shop Consulting provided any consulting
 3 work?
 4 A No.
 5 Q And would the same be true for the Voces de la
 6 Frontera lawsuit?
 7 A I have not provided any consulting for that suit.
 8 Q The second topic that was listed is the knowledge
 9 of The Shop Consulting's knowledge or your
 10 knowledge of the redistricting process in
 11 Wisconsin. You testified or stated before that
 12 The Shop Consulting was initially created in
 13 around 2002?
 14 A January 1st, 2002.
 15 Q And that would have been after the 2000 census
 16 redistricting litigation?
 17 A I think it was -- I don't recall the date, but it
 18 was around that time, I think.
 19 Q Let me strike that question.
 20 A Yeah.
 21 Q Did The Shop Consulting have any involvement in
 22 the previous 2002 litigation?
 23 A Yes.
 24 Q And what involvement did The Shop Consulting have?
 25 A I was retained under Boardman law firm.

26

1 Q Okay. On behalf of what client?
 2 A I think the Senate -- Senate democrats, I believe,
 3 was the -- I mean, this was 10 years ago. I don't
 4 remember precisely.
 5 Q It was the democratic side, but not the republican
 6 side?
 7 A Not the republican side.
 8 Q And what exactly was The Shop Consulting retained
 9 to do?
 10 A Assist with drafting plan and to essentially be
 11 available for consulting regarding matters related
 12 to the legislative redistricting cycle.
 13 Q If you recall, the plan that was drafted in 2002,
 14 do you know how many people were subject to
 15 delayed voting or disenfranchisement?
 16 A I have no recollection.
 17 Q With respect to the plan that you drew this
 18 year -- well, in 2011, do you know how many people
 19 were subject to delayed voting for
 20 disenfranchisement?
 21 A No, I don't know.
 22 Q Is there any way from any of the documents you've
 23 provided that we could learn that number?
 24 A From the plan I assisted with?
 25 Q Yes.

27

1 A I believe there is the same type of analysis that
 2 is provided on that plan.
 3 Q Is your -- I'm sorry, go ahead.
 4 A Yeah, that I just provided to you, similar to the
 5 reports that were run on the Act 33 plan.
 6 Q You mean 43?
 7 A Act 43 plan.
 8 Q Do you know if the Autobound software is still on
 9 a terminal in the Capitol for the democratic
 10 legislators?
 11 A I have no knowledge if it is or not.
 12 Q When was the last time you were over in that
 13 conference room?
 14 A I don't recall the exact date, summer.
 15 Q Summer of 2011?
 16 A Yeah.
 17 Q If you recall, do you know how many people in your
 18 plan in 2002 were shifted in and out of districts?
 19 A I have no knowledge off the top of my head, no.
 20 Q If you recall, in the plan that you drafted this
 21 year in 2011, do you know if there was an
 22 additional African-American district, Assembly
 23 district, in Milwaukee compared to the Act 43
 24 plan?
 25 A I would have absolutely no idea what criteria

28

1 you're using to ask that question.
 2 Q If you recall, do you know if in the plan from
 3 2011 that you drew, whether or not there were one
 4 or two majority Hispanic Assembly districts in
 5 Milwaukee?
 6 A I don't -- I don't have any -- any knowledge to
 7 that, no.
 8 Q Have you seen any of the expert reports in this
 9 litigation?
 10 A No.
 11 Q Have you been asked to comment on any of the
 12 expert reports in this litigation?
 13 A No.
 14 Q Have you been asked to provide any analysis or
 15 background data work for any expert reports in
 16 this litigation?
 17 A No.
 18 Q You indicated that the only elected state officer
 19 that you recall speaking with regarding your plan
 20 would have been Fred Kessler; is that correct?
 21 A Uh-huh. Yeah, that's the only one I recall.
 22 Q Did you speak with any elected federal officials
 23 regarding this plan?
 24 A No.
 25 Q Do you have any formal retention agreements with

29

1 regard to the work that you provided to draw this
 2 plan in the 2011 redistricting plan?
 3 A Why don't you repeat that question?
 4 Q Yeah, because that was poorly said. In 2011, you
 5 did some work to draw a plan. Do you have a
 6 formal retention agreement regarding that work?
 7 A No.
 8 Q You also indicated that you were asked to provide
 9 assistance to Senator Miller. Do you have a
 10 formal retention or hiring agreement regarding
 11 that work?
 12 A No, I wasn't hired.
 13 Q Does The Shop Consulting have any retention
 14 agreements or hiring contracts with regard to
 15 redistricting work in 2011?
 16 A No, not in regards to any work in 2011.
 17 Q Did they have some prior to that?
 18 A Yes.
 19 Q And those would have been for the 2002 series?
 20 A No, this would have been prior to any census data
 21 being released.
 22 Q When was The Shop Consulting retained with regard
 23 to the census -- let me restart that. Prior to
 24 the 2010 census, was The Shop Consulting retained
 25 to provide consulting work with regard to

30

1 redistricting?
 2 A Yes.
 3 Q And when was that?
 4 A I think I don't -- 2009 perhaps.
 5 Q Look through -- this is your original, so let's
 6 just move this out of the way. Yeah, take that.
 7 If you want to look through any of those documents
 8 that are marked as Exhibit 1034.
 9 A Looks like August of 2009 would have been the
 10 first time I would have been under retention.
 11 Q And you're looking at an invoice towards the end
 12 of that document?
 13 A Yeah.
 14 Q Stack of documents?
 15 A Yes.
 16 Q And what was The Shop Consulting retained to do in
 17 August of 2009?
 18 A Primarily, I was retained to monitor activities
 19 related to the upcoming census.
 20 Q Okay. And explain a little bit for me what you
 21 mean by monitor activities?
 22 A I served on a subcommittee of the Legislative
 23 Technology and Service Bureau.
 24 Q You served on the subcommittee for the LTSB?
 25 A Uh-huh.

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1 Q And you were retained by whom to monitor
 2 activities?
 3 A I was retained by the law firm of O'Neil, Cannon,
 4 Hollman & DeJong.
 5 Q And I see on some of those invoices the name of
 6 Randy Nash?
 7 A Correct.
 8 Q Was Randy Nash a contact person?
 9 A Yes.
 10 Q And on whose behalf did Randy Nash of the
 11 O'Neil Cannon law firm retain you, retain
 12 The Shop Consulting?
 13 MR. POLICH: I'll object insofar as
 14 it may call for a legal conclusion. Go
 15 ahead. It's vague. Go ahead.
 16 A Well, I represented Senate democrats, I guess.
 17 You know, I guess. I don't know.
 18 Q And I notice in the documents you provided,
 19 there's a series of invoices that start
 20 approximately October of 2009 and go through June
 21 of 2011, and they are all from the O'Neil Cannon
 22 law firm; do you see those in there?
 23 A Yeah, uh-huh.
 24 Q And in those documents, the description is
 25 basically retainer or redistricting reimbursement;

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1 is that correct?
 2 A Correct.
 3 Q And what did you do for the Cannon -- the
 4 O'Neil Cannon law firm from October of 2009
 5 through June of 2011?
 6 A I did some work on some projections that were
 7 provided by the census bureau to try to get an
 8 understanding through their modeling as to what
 9 the decennial census numbers would look like when
 10 they were finalized. Of course, this was all
 11 before the census took place.
 12 Q And I also note that in your documents you
 13 provided a draft of an agreement between The Shop
 14 Consulting and the O'Neil Cannon law firm; is that
 15 correct?
 16 A Yeah, I was unable to find an original, so that's
 17 all I had.
 18 Q Do you recall if your retention -- The Shop
 19 Consulting's retention agreement was -- do you
 20 recall if there were any major differences from
 21 this draft agreement?
 22 A No, I don't recall that there were.
 23 Q Do you recall a meeting in August of 2011 of the
 24 Wisconsin Association of Lobbyists?
 25 A No.

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1 Q Obviously you did not attend that meeting then in
 2 August of 2011; is that correct?
 3 A Wisconsin Association of Lobbyists?
 4 Q Yes.
 5 A No, I don't recall attending that meeting.
 6 Q Okay. Took place in Spring Green, you have no
 7 recollection of that?
 8 A No.
 9 Q Were you ever asked to provide any documents or
 10 background information for someone -- anyone who
 11 did attend that meeting?
 12 A I have no idea who attended that meeting, so I
 13 wouldn't be able to answer that.
 14 Q Not a problem; eliminates a lot of questions
 15 there. Were you a committee or a member of, I
 16 believe it's, the redistricting staff working
 17 group?
 18 A Under whose jurisdiction?
 19 Q In 2009 through 2011.
 20 A By whom? Which organization are you referring to?
 21 Q You have in your materials, in fact, if you look
 22 at the front page, it's Wisconsin --
 23 A Through the LTSB?
 24 Q Well, it says Wisconsin -- the first page of
 25 Exhibit 1034 says *Wisconsin Legislature*

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1 *Redistricting Staff Working Group.*
 2 A Yes.
 3 Q And you're listed on the bottom, Mike White?
 4 A Yes.
 5 Q So were you a member of that working group?
 6 A Yes, of this one that you're referring to, yes.
 7 Q Were there different working groups?
 8 A Not to my knowledge.
 9 Q Okay. All right. How long were you a member of
 10 this Wisconsin legislature redistricting staff
 11 working group?
 12 A I was a member of it from its first meeting to its
 13 last meeting.
 14 Q And when was it formed then?
 15 A I believe there's a -- I seem to recall there's an
 16 agenda item. I believe it was sometime in, excuse
 17 me, 2009. I don't know exactly the date that it
 18 was formed, but that's all publicly available
 19 information.
 20 Q One of the documents you produced has a little
 21 notation of an agenda saying *IT subcommittee first*
 22 *meeting, November 18th, 2009?*
 23 A Sure.
 24 Q Would that be around when you think it was formed?
 25 A Yeah, probably so.

35

1 Q And is it still in existence now?
 2 A Not to my knowledge.
 3 Q Okay. But the first page has a meeting on
 4 January 14th, 2011. Do you know when about that
 5 group would have ceased to exist?
 6 A That was the last meeting, as I recall. During
 7 that meeting, the majority had shifted to the
 8 republican party.
 9 Q Okay.
 10 A And at that meeting there was discussion of public
 11 access to redistricting software, to allow the
 12 public to have an opportunity to draw their own
 13 plan.
 14 Q Okay.
 15 A At that meeting, there was discussion among the
 16 republican representatives present, that they
 17 would not put forth any activities to allow that
 18 to move forward. At that point, myself and
 19 Joel Gratz requested a roll call vote of the
 20 subcommittee to attempt to have some documentation
 21 as to why the public would not be able to, as in
 22 the last two redistricting cycles, have access to
 23 the ability to draw their own maps. At that
 24 point, there was dissent and no roll call was
 25 taken, and that was, as far as I am aware, the

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1 last meeting of that group.
 2 Q And you think that meeting was the one that was on
 3 January 14th, 2007?
 4 A I believe it was, yes.
 5 Q And the listing has the individuals who were
 6 present at that meeting?
 7 A As far as I -- no, I didn't know a lot of them
 8 personally. So it's as accurate as whomever took
 9 the notes.
 10 Q And the next two pages are your document
 11 production are minutes from that meeting on
 12 January 11th, 2011?
 13 A I think so.
 14 Q It doesn't appear that there's a date on the top
 15 of those minutes. However, if you look at the
 16 third page, it does say the group will meet next
 17 on February 18th, 2011.
 18 A Uh-huh.
 19 Q So the January date seems like it fits?
 20 A Yeah.
 21 Q The group did not meet again, though, on
 22 February 18th, 2011?
 23 A Yeah, I don't believe so. I don't believe they
 24 did. At least that's my knowledge, and it's
 25 difficult to remember the exact date, but I

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1 believe it was this meeting where the discussion
 2 of public access to the redistricting process was
 3 discussed in some length.
 4 Q Okay. We're going to start going through some of
 5 the pages in your document production. After you
 6 get through the minutes of the November 18th --
 7 November 18th, 2009 minutes, there's a page that
 8 talks about official recipients of the 2000 census
 9 population counts. Keep going one more page. I
 10 think one more, there.
 11 A Yes, okay.
 12 Q And why was that page included?
 13 A This was related to the subpoena. It's something
 14 I had in my possession.
 15 Q Okay. Do you have anything similar to that
 16 regarding the 2010 census population counts?
 17 A No, I don't.
 18 Q If you continue on, there's an e-mail from
 19 Joel Gratz to you dated July 10th, 2009. The
 20 subject is mapping. That page, I believe.
 21 A Yes.
 22 Q In that, there's a reference to trying to look
 23 at Fred's desires on the GB area; would that be
 24 Fred Kessler?
 25 A I assume so.

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1 Q Do you know what his desires were on the --
 2 A No.
 3 MS. LAZAR: Why don't we take a
 4 five-minute break, and we'll be right back.
 5 THE VIDEOGRAPHER: The time is
 6 2:48. We are going off the record.
 7 (Recess taken)
 8 THE VIDEOGRAPHER: The time is
 9 2:53. We are back on the record.
 10 Q Thank you, Mr. White. Okay.
 11 A If I could just make one -- I want to make one
 12 clarifying point.
 13 Q Sure.
 14 A I think one of your questions were was I retained
 15 in 2011, and I clearly was by all the documents
 16 with the O'Neil Cannon firm, and I provided -- I
 17 think I was thinking 2012 or post-redistricting
 18 cycle. So I just want to make sure that's
 19 clarified and that's all information that's
 20 provided for my --
 21 Q Not a problem. I was messing up the numbers too
 22 myself, so not a problem at all. Okay. We were
 23 looking through these documents, and we had
 24 stopped here. If you can turn to an e-mail dated
 25 February 4th, 2010. It's toward the back. It has

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1 subject *Line of Attendance*. It's from you to
 2 Barbara Worcester. It's quite a ways back.
 3 A Uh-huh.
 4 Q Is this a meeting -- or is this an e-mail
 5 regarding that redistricting staff working group?
 6 A Yes. Oh, well, I have an answer to your question
 7 too.
 8 Q Okay.
 9 A I see here the scanned copy, why I had it in my
 10 possession was I must have attached it to this
 11 e-mail. It was just the documentation from the
 12 census bureau of the official recipients of the
 13 2000 PL 94171 data, which is redistricting data.
 14 I think I must have just attached that to that
 15 e-mail.
 16 Q Okay. Some of the e-mails, as you go -- if you
 17 can go to an a e-mail down maybe about seven or
 18 eight more pages, dated Tuesday, July 12th, 2011,
 19 from you to Joel Gratz and Rich Judge and
 20 Jamie Kuhn. The re line is *Democracy Campaign*
 21 *Maps*. There's hardly anything on the page. Looks
 22 like this.
 23 A Uh-huh, yes.
 24 Q You have an e-mail that says, "Wow those are some
 25 ugly districts." What are you talking about?

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1 A I'm referring to the link below.
 2 Q And that's the -- whose map were you discussing?
 3 A I believe this is the map that was created by the
 4 Wisconsin Democracy Campaign.
 5 Q And what is the Wisconsin Democracy Campaign?
 6 A It's an organization.
 7 Q Is it partisan? Does it lean one side or the
 8 other?
 9 A I guess that's subjective.
 10 MR. POLICH: Objection,
 11 speculation. Go ahead.
 12 Q The next e-mail you have and then a series
 13 following that are e-mails in July, and they don't
 14 attachments. Would those attachments be what
 15 you've included on the flash drive?
 16 A The ones that do have attachments?
 17 Q Okay. The next page is an e-mail from you -- from
 18 Joel Gratz to you dated July 12th, 2011?
 19 A Yes.
 20 Q And it says *Mike-Assembly GOP Core*
 21 *Constituency.zip*?
 22 A Yes.
 23 Q And there's no attachment to this e-mail. What
 24 I'm asking is would this attachment be on the
 25 flash drive?

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1 A Yes, yes.
 2 Q And the same with the following two pages,
 3 wherever there's an attachment that's not
 4 enclosed?
 5 A Yes, correct.
 6 Q If you can turn to the last three pages of this
 7 document production, they are a letter from
 8 O'Neil, Cannon, Hollman law firm, from
 9 Randall Nash to Barb Worcester and yourself?
 10 A Yes.
 11 Q Dated May 1st, 2009, and it's regarding
 12 redistricting software issues?
 13 A Uh-huh.
 14 Q That letter in the first paragraph discussing --
 15 the first subject discussing population equality.
 16 In the second paragraph under that section
 17 discusses comparing population of existing
 18 Congressional, State Senate, and State Assembly
 19 districts to determine the deviation from the
 20 perfect numeric population; do you see that?
 21 A Yes.
 22 Q Did you do any studies which would do that type of
 23 comparison?
 24 A For what?
 25 Q For -- to compare the population of the existing

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1 Congressional, State Senate, and Assembly
 2 districts with the new maps?
 3 MR. POLICH: I'll object as to it's
 4 vague as to time. Go ahead.
 5 A I don't understand the question. Analysis of
 6 what?
 7 Q After you received -- did you receive this letter
 8 in May of 2009?
 9 A Yes.
 10 Q Were you asked to do any, after that letter was
 11 received, were you asked to do any population
 12 comparisons regarding the old and either the
 13 proposed map Act 43 or a map you prepared
 14 regarding this, the population deviations?
 15 A The census data had not been released at this
 16 time.
 17 Q Were you ever asked to do that type of comparison?
 18 A Between -- I just need to clarify your question.
 19 Are you referring to between the districts as they
 20 existed in 2002 versus --
 21 Q Act 43?
 22 A Versus Act 43?
 23 Q Right.
 24 A And in what type of analysis?
 25 Q Well, in that paragraph they're talking about

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1 comparing population deviations.
 2 A Yes.
 3 Q Yes, you see that, or yes, you did an analysis?
 4 A Yes. He's talking about population deviation,
 5 yes.
 6 Q And my question was did you do any analysis
 7 regarding population deviation?
 8 A For what?
 9 Q Between 2002 and Act 43.
 10 A I'm not trying to be vague. I just -- I'm not
 11 sure I follow what you're asking. There was no
 12 census. So between 2002 and Act 43, there was --
 13 Q Right. Not in 2009. What I'm asking is after the
 14 census data came out.
 15 A Yes.
 16 Q Which was approximately when; if you know?
 17 A I believe the census data was available in March
 18 of 2011 or April, something like that.
 19 Q After that March time of 2011?
 20 A Yes.
 21 Q Did you do any population comparisons to determine
 22 the deviation from -- you know what, strike that
 23 question.
 24 A Okay.
 25 MS. LAZAR: I don't believe we

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1 marked that. Did we mark that?
 2 MR. POLICH: Counsel, he's going to
 3 give you that one, and then he's going to get
 4 a replacement flash drive?
 5 MS. LAZAR: Yeah.
 6 (Exhibit No. 1035 marked for
 7 identification)
 8 Q All right. I'm showing you what has been marked
 9 as Exhibit 1035. Is this the flash drive you
 10 provided today?
 11 A Yes, to the best of my knowledge, it is.
 12 Q I'll represent this is the one you handed to me,
 13 and this is the one that you told me was
 14 responsive to the notice of deposition subpoena?
 15 A Yes.
 16 Q And on this flash drive you have any of the
 17 documents that were responsive to that subpoena
 18 that you did not print out?
 19 A Correct.
 20 Q What we will do is we will provide you with
 21 either -- well, we'll have to provide you with
 22 another flash drive with all of this information
 23 on it because we'll have to keep this one as the
 24 original with the file.
 25 A Okay.

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1 Q On that flash drive, in general, what type of
 2 information is contained in this flash drive?
 3 A In general, it contains many of the attachments
 4 that you see in these e-mails. And in general,
 5 those are reports of the various plans that we ran
 6 from the Autobound software.
 7 Q Does it have a copy of your proposed map?
 8 A It has, yes, it has the digital files that are
 9 used to produce that.
 10 Q Does it have anything else?
 11 A There are some maps that I produced for the
 12 examination of likely population shifts prior to
 13 the 2010 census, based on information that was
 14 available at that time, census projections and
 15 that sort of thing. There may be a few
 16 spreadsheets that have some general analysis.
 17 Q And the information on the flash drive, did you or
 18 someone at The Shop Consulting create?
 19 A The documents, did I create them?
 20 Q Yes.
 21 A Yes, I created them.
 22 Q On the flash drive, there was a visual that had an
 23 indication about delayed voting; did you create
 24 that visual?
 25 A Delayed voting. I'd have to refer to what you --

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1 Q There was a map which talked about delayed voting
 2 in certain areas of the state or
 3 disenfranchisement?
 4 A Disenfranchisement, yes.
 5 Q Did you create that visual?
 6 A Yes.
 7 Q And do you know what areas it discussed -- do you
 8 know what areas it was limited to?
 9 A No, I don't recall what that image shows.
 10 Q Do you know why you created that document?
 11 A Well, I -- I suppose -- I'd have to -- I'd like to
 12 be able to maybe see it, but I suppose I created
 13 it to find out which Senate districts would be --
 14 the number of voters that would be disenfranchised
 15 under the republican plan.
 16 Q Unfortunately, I don't have a computer anymore in
 17 this room, but if you want -- when we're all
 18 concluded, if you wanted to go off the record and
 19 just look at that and see if there was anything
 20 you wanted to add, and if not, we could just end
 21 the deposition at that point.
 22 A Sure.
 23 Q If you wanted to look at it again.
 24 A Yeah, I mean, it's -- I'm -- I didn't spend a ton
 25 of time reviewing this information. I basically

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1 provided what I had. But I think that it was
 2 probably an analysis of the -- of the -- of the
 3 disenfranchisement results of the Act 43 plan as
 4 it existed at my last analysis.
 5 Q Okay. Have you seen any -- are you aware of the
 6 map drawn by Fred Kessler for 2011?
 7 A I'm aware of it, yes.
 8 Q Have you seen that map?
 9 A Yes.
 10 Q How did you see that map?
 11 A I think I just saw it as a copy of the map was
 12 in -- was in -- it was printed off by someone.
 13 Q Okay. And do you know when about you saw that
 14 map?
 15 A Probably around July of 2011. Somewhere in that
 16 range.
 17 Q Have you ever seen a map, a redistricting map --
 18 oh, wait, wait. The Kessler map, was that for
 19 legislative boundaries or congressional
 20 boundaries?
 21 A The one I saw -- the only one I saw was
 22 legislative boundaries.
 23 Q Have you seen any maps by former Congressman
 24 David Obey?
 25 A No.

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1 Q Have you seen any maps by anyone else regarding
2 redistricting as of 2011?
3 A Well, the democracy campaign map, I would have
4 seen it. It was referenced earlier. That was
5 just on a -- you know, online.
6 Q With the ugly districts?
7 A I guess that would be the e-mail.
8 Q And did you explain what made them so ugly?
9 A Did I explain?
10 Q Yeah. Could you explain what made them so ugly?
11 A Well, it was subjective. My analysis, it looked
12 like they -- they didn't meet some of the basic
13 requirements of legislative redistricting
14 contiguity, retention of -- retention of
15 communities of interest.
16 Q And you're anticipating my question. What else
17 would you say are other legislative redistricting
18 requirements?
19 A Well, population equity, communities of interest,
20 anything related to the Voting Rights Act as far
21 as minority-based districts. They're statutorily
22 a list in Wisconsin statutes that you can view,
23 population equality, core retention of the
24 districts, lowest level of disenfranchisements,
25 avoiding creation of huge partisan advantage,

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1 which is also referred to as competitiveness,
2 compactness, which means the closer to a circle
3 you can get, the more compact a district is.
4 Q For some of these, you're looking at the last
5 letter in Exhibit 1034?
6 A Yeah, I'm referring to these. These are standard
7 principles which are statutorily provided in the
8 State constitution.
9 Q Okay. This can be a little confusing, but we're
10 almost done. I'm going to show you what was
11 marked at a previous deposition of Joel Gratz. It
12 is deposition Exhibit 1032, and I don't believe --
13 MS. LAZAR: Wait a minute, I do
14 have another copy for you, Counsel.
15 Q Unfortunately, these are not numbered pages, so
16 I'm just going to refer you. I have three little
17 questions inside here, and what it is -- an easy
18 way to look at it, though, is the e-mails are all
19 by chronological date with the newest on top.
20 A Okay.
21 Q So if you could turn to a page that has the top
22 e-mail is dated July 12th, 2011, and it's an
23 e-mail to Beverly Speer, and on the bottom of the
24 page, there's an e-mail in blue.
25 A July 12th?

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1 Q Yes. It's right after some district maps for the
2 city of Madison, if that's any help.
3 A Is it this one you're referring to?
4 Q No. Here, let me find it for you. That might
5 make it easier than making you look.
6 A Okay.
7 Q On the top of that page, it says July 12th, 2011.
8 It's an e-mail to Beverly Speer, which is kind of
9 cut in half, but the e-mail I'm interested in is
10 in the bottom half of that page.
11 A Uh-huh.
12 Q It's an e-mail from you?
13 A Uh-huh.
14 Q To Joel Gratz?
15 A Uh-huh.
16 Q Dated July 12th, 2011?
17 A Okay.
18 Q Regarding democracy campaign maps.
19 A Okay.
20 Q And at the very bottom of that page, excuse me, it
21 says, "If we can run this on the GOP plan, we
22 should get a pretty substantial
23 deviation-especially in their targeted partisan
24 districts"?
25 A Okay.

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1 Q What did you mean by *substantial deviation*?
2 A I'll have to review the e-mail here.
3 Q Sure.
4 A I think this is referring to -- I think this would
5 be referring to act -- it wasn't called Act 43 at
6 the time. It was whatever their draft was, their
7 bill draft. I think this refers to the -- the
8 fairly radical shift in geography between
9 districts with the GOP plan. For example, if --
10 let's just say one district was a county, say
11 Richland County was the whole district, and if you
12 capped all of Richland County except for maybe a
13 couple of municipalities and you added to count
14 for population shift, the core retention of that
15 district would be significantly more than if you
16 took a third of Richland County and then put in
17 all other municipalities into that same district.
18 So it refers to the geography of -- the retention
19 of the actual geography of the districts from the
20 district as they exist to the plan as modified.
21 Q So under the topic of core retention, am I getting
22 that correct; is that what you're talking about?
23 A Yeah, that's what I would be referring to is
24 the -- is the number of voters that were retained
25 in the district. If a district was represented by

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1 person X in 2002, that district is modified, so
2 the district that continues to be represented by
3 person X is modified, the more voters from the old
4 district that are preserved in the new district
5 would be the retention.
6 Q And you're referring to the substantial deviation,
7 the change in that core retention number, from the
8 old 2002 maps to the proposed then enacted Act 43?
9 A Correct, yes.
10 Q If you want to hand me that, I'll find the next
11 page so you don't have to look for it. Oh, you
12 can just get rid of that page. It doesn't matter.
13 A Okay.
14 Q Okay. I put two post-it tabs on. If you can turn
15 to the first post-it tab. That is a page with an
16 e-mail. The first date is in the middle of the
17 page from you to Joel Gratz, March 31st?
18 A Uh-huh.
19 Q And then on the bottom there's another e-mail from
20 Joel Gratz to you dated March 24th?
21 A Okay.
22 Q And there's some discussion in the e-mail that
23 starts on that page and continues to the next page
24 about using census blocks to draw the map?
25 A Yes.

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1 Q Did you have any discussions with anyone in 2011
2 or regarding the 2011 redistricting regarding
3 using census blocks to draw the maps?
4 A You'll have to clarify that question. Now, you're
5 are referring to using -- are you referring to
6 after the census data was released?
7 Q After the census data is released in March of
8 2000 --
9 A In March or April, yes.
10 Q 11?
11 A Uh-huh.
12 Q Did you have any discussions with anyone shortly
13 before that or after that regarding the use of
14 census blocks and not wards to base the map on?
15 MR. POLICH: Object as still vague
16 to time. Go ahead.
17 A Well, I had lots of discussions regarding that
18 because at that point that would have been the --
19 there were no wards available, so --
20 Q Did you have any views -- strike that. Do you
21 have any views about whether or not census blocks
22 as the formation for a redistricting map would be
23 a good procedure?
24 A Did I have any views?
25 Q Do you have any now?

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1 A Well, that's very subjective. It depends on which
2 blocks are selected. If blocks are selected
3 correspond to the wards as they exist, I think
4 there's a lot of problems right now they're having
5 because the districts that they drew are not
6 corresponding to the wards. Municipal clerks are
7 statutorily required to create, and then generally
8 those are used as the building blocks, and I think
9 that my views now are the way that the plan was
10 drawn is making it -- making it quite difficult
11 for them.
12 Q When you drew your map in July of 2011, what did
13 you use as the basis?
14 A I used the -- as I said, I used the block layer
15 because that -- because there was no ward layer
16 available. It had not yet been created by the
17 clerks.
18 Q Okay. If you turn to the next tab that I have,
19 the last tab?
20 A Yeah, sure.
21 Q I might be off by a page, so let me just make
22 sure. This e-mail repeats itself several times.
23 Is this the November 5th, 2009 e-mail?
24 A Yes.
25 Q From Scott Adrian to Joel Gratz?

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1 A Okay.
2 Q And there's a reference in there, in that e-mail,
3 in the third paragraph, second sentence says, "I
4 don't know where this came from, who drafted it or
5 why it is coming before us, except it appears to
6 me it could be dealing with problems that could or
7 have arisen similar to what Mike White was bring
8 up in Chicago." Do you know what they're talking
9 about?
10 A Can I read the e-mail so I have some context to
11 it?
12 Q Absolutely.
13 A My recollection would be that at the -- that this
14 is referring to a bill draft that was included --
15 it wasn't a bill draft. It was -- it was just a
16 draft of language. It wasn't a bill. It had
17 nothing to do with the bill. That was provided by
18 Steve Miller, the Legislative Technology Service
19 Bureau, at one of the earlier meetings, I believe,
20 of the subgroup, which had somehow referred to
21 using blocks statutorily changing the
22 redistricting requirements to allow blocks to
23 be -- to be drawn. I don't know what his -- how
24 that relates to anything, but I think that's what
25 he's referring to.

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1 Q And you don't know what he means by bringing it up
2 in Chicago?

3 A I wouldn't know what he would be referring to
4 other than the fact that I know -- that I may have
5 referenced something that if blocks don't refer --
6 you know, don't nest within wards, then there are
7 issues with determining where people vote, polling
8 places, et cetera.

9 Q Okay. I'm not going to have any more questions,
10 but what I do want to know is if you did want to
11 look at the document on this drive regarding the
12 disenfranchisement visual or if you did not?

13 A Well, I'll look at it, sure.

14 Q Okay. What we can do then --

15 A I mean, I'd rather get moving, if possible. I
16 mean, if it would -- I don't have a problem
17 looking at it.

18 Q I guess my question is is there anything that you
19 wanted to -- I don't want to foreclose the
20 possibility that you could look at this and maybe
21 add to your answer. If you want to do that, let's
22 take a moment and do that, and then that will
23 conclude my questions in this deposition.

24 MS. LAZAR: Unless there are any
25 other questions, Wendy, Peter?

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1 MR. EARLE: I have none.

2 MS. ARENDS: And we'll all be
3 getting copies of that flash drive?

4 MS. LAZAR: Yes. You'll all be
5 getting copies of this.

6 A I don't have any need to expound upon my answer.

7 Q So you do not want to look at this anymore?

8 A No.

9 MS. LAZAR: All right. Then at
10 this point in time, I would have no further
11 questions. If there being none, then we'll
12 end the deposition at this time.

13 THE VIDEOGRAPHER: Hearing none, we
14 are going off the record, concluding the
15 video deposition of Mr. Michael White,
16 designated 30(b)6. The time is 3:24 p.m.
17 (Adjourning at 3:24 p.m.)

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1 STATE OF WISCONSIN)
) ss.
2 COUNTY OF DANE)

3 I, BRANDÉ A. BROWNE, a Registered Professional
4 Reporter and Notary Public duly commissioned and
5 qualified in and for the State of Wisconsin, do
6 hereby certify that pursuant to subpoena and notice,
7 there came before me on the 30th day of January 2012,
8 at 2:02 in the afternoon, at the offices of
9 Reinhart Boerner Van Deuren S.C., Attorneys at Law,
10 22 East Mifflin Street, Suite 600, the City of
11 Madison, County of Dane, and State of Wisconsin, the
12 following named person, to wit: MICHAEL J. WHITE,
13 who was by me duly sworn to testify to the truth and
14 nothing but the truth of his knowledge touching and
15 concerning the matters in controversy in this cause;
16 that he was thereupon carefully examined upon his
17 oath and his examination reduced to typewriting with
18 computer-aided transcription; that the deposition is
19 a true record of the testimony given by the witness;
20 and that reading and signing was not waived.

21 I further certify that I am neither
22 attorney or counsel for, nor related to or employed
23 by any of the parties to the action in which this
24 deposition is taken and further that I am not a
25 relative or employee of any attorney or counsel

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1 employed by the parties hereto or financially
2 interested in the action.

3 In witness whereof I have hereunto set my
4 hand and affixed my notarial seal this 3rd day of
5 February 2012.

6
7

8 _____
Notary Public, State of Wisconsin
Registered Professional Reporter

9 My commission expires
April 21, 2013

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